



**STAFF REPORT
ACTION REQUIRED**

**Sign Variance Report
360 Evans Ave**

Date:	February 17, 2010
To:	Chair and Members, The Etobicoke York Community Council
From:	Mark Sraga, Director and Deputy Chief Building Official
Wards:	Etobicoke-Lakeshore, Ward 6
Reference Number:	2010EY041

SUMMARY

This staff report is about a matter for which the Community Council has been delegated authority from City Council to make final decision.

Toronto Building received a Request for Approval of a Variance from Article I of Chapter 693, Signs, of the Toronto Municipal Code, from Roy Dzeko of CBC Outdoor, on behalf of Martin McCarthy of RJ McCarthy Holdings Inc., property owners. The request is to permit to erect a second third party illuminated ground sign with a single face consisting of trivision displays and a total sign face area of 18.6 sq. m (200.0 sq. ft) with an overall height of 7.62 m (24 ft) located at 360 Evans Avenue and within 400 meters of the limit of the F. G. Gardiner Expressway.

RECOMMENDATIONS

It is recommended that:

1. The request for variance at 360 Evans Avenue be refused for the reasons outlined in this report.

Financial Impact

There are no financial implications resulting from the adoption of this report.

ISSUE BACKGROUND

On June 5, 1998 City Council passed By-law 280-1998, Article I, Third Party Signs, Chapter 693 of the City of Toronto Municipal Code. Article I, Chapter 693 prohibits Third Party Signs on lands adjacent to the former provincial highways, transferred to the City by orders in Council 533/97, 534/97, 535/97 and 647/97. The lands affected by this By-law are any lands within 400 meters of any limit of the following sections of the former provincial highways;

- A. F. G. Gardener Expressway from Highway 427 to the Humber River.
- B. Highway 27 from Highway 401 to Steeles Avenue.
- C. Highway 2A from Highway 401 to Old Highway 2 (Kingston Road and Highway 2 from Highway 401 to the City of Toronto and Durham boundary.
- D. The portion of Highway 427 referred to as “Eglinton Avenue: from The East Mall to point 0.5 kilometre east.

During its regular City Council meeting on June 29, 30 and 31, 1998, Council adopted Clause 6 of the report No. 9 of the Urban Environment and Development Committee; an “Interim Third Party Advertising Sign Minor Variance Process for Areas Abutting the F. G. Gardener Expressway (formerly the Queen Elizabeth Way), Eglinton Avenue West, Highway 2, Highway 2A and Highway 27.”

This adopted Sign Variance process included a recommendation that any applications involving minor variances from the By-law relating to the above referenced highways be brought to Community Council for approval by way of a report from staff and that staff use the Ministry of Transportation of Ontario Commercial Sign Policy (MTO Sign Policy) as a guideline when evaluating the merits of a sign variance application for the affected lands.

COMMENTS

The property is located in the former municipality of Etobicoke which is subject to the Etobicoke Zoning Code. Based on the Etobicoke Zoning Code the property is zoned I.C1 Zone. The proposed sign will be located east of Kipling Ave. west of Arnold St. on the north side of Evans Avenue.

The property at 360 Evans Avenue is one storey industrial building occupied by McCarthy Limited manufactures and distributes of school uniforms and the corporate head office. An existing third party illuminated ground sign with a display area of 37.16 square metres was approved by the Etobicoke York Community Council in 2007.

The existing ground sign is located at the north/east corner of the lot. The proposed third party ground sign will be located at north/west corner of the lot. The distance between the existing and proposed billboards will be less than 80.0 metres. There is another first

party advertising device (School Bus) erected on the roof of the building. The proposed and two existing signs will be facing traffic along F. G. Gardener Expressway. The proposed third ground sign will be an illuminated single face 3.0 m x 6.0 m (10 ft x 20ft) sign with trivision displays area of 18.62 square metres (200.0 sq. ft). The overall height of the proposed sign is of 7.62 m (24 ft).

Variance from Chapter 693 of the City of Toronto Municipal Code

Article I of Chapter 693 of the City of Toronto Municipal Sign Code does not permit third-party signs on any lands within 400 meters of any limit of the F. G. Gardiner Expressway from Highway 427 to the Humber River.

The proposed sign does not comply with Article I of Chapter 693, Toronto Municipal Sign code in the following way:

Sign By-law Section & Requirements	Applicant's Proposal	Required Variance
(1)693-2 No person shall erect or use any third-party signs on any lands within 400 meters of any limit of the following sections of highway; A. F. G. Gardiner Expressway from Highway 427 to the Humber River	The proposed sign will be located approximately 4.2 meters from the highway right-of-way.	Sign to be located 4.2 meters from the highway right-of-way in lieu of the 400 meters required.

Variance from requirements of MTO Commercial Sign Policy

The applicant is proposing to erect a second third party ground sign with within 80.0 metres from an existing sign on the same property and within 4.2 metres of the F. G. Gardiner Expressway. This will result in the sign exceeding size limitations as contained in the MTO Commercial Sign Policy that has been adopted for use as guidelines when evaluating the merits of Sign Variance applications for signs within 400 metres of the F.G. Gardiner Expressway between Highway 427 and the Humber River.

The proposed size of the billboard ground sign does not comply with Article I, Third-Party Signs, Chapter 693 of the City of Toronto Municipal Codes, since it is located within 400 metres of the portion of the F.G. Gardiner Expressway from Highway 427 to the Humber River. It also does not comply with the Ministry of Transportation Commercial Sign Policy which is a guideline for the “Interim Third Party Advertising

Sign Minor Variance Process” that was adopted by Council in 1998, in the following ways:

MTO Commercial Sign Policy	Applicant’s Proposal	Deviations from MTO Commercial Sign Policy
(1) Signs over 11.90 square metres, but not over 18.60 square metres must be set back 30.0 m from the highway property line	The proposed sign with a sign area of 18.60 square metres will be located within 10 metres from the highway property line.	Sign to be located 4.2 metres from the highway right-of-way in lieu of the 30.0 metres required under the MTO Commercial Sign Policy.
(2) No signs are to be placed within 23 meters of the highway property line.	The proposed 18.60 square meters sign will be erected within 4.2 meters from the highways off ramp.	Sign to be located 4.2metres from the highway right-of-way in lieu of the 400 metres required under the MTO Commercial Sign Policy.
(3) No other sign to be placed within 305 metres of another billboard sign per direction, provided there are no left hand billboard signs facing the motorist	The proposed sign will be less than 305 metres from the billboard sign located at the north east corner of the same property.	Sign will be located within approximately 80 metres from a billboard sign.

The applicant is requesting to permit installation of a second third party illuminated ground sign with trivision displays within 4.2 metres of the F. G. Gardiner Expressway and 80.0 metres from another third party ground sign. This will result in the sign exceeding location and separation requirements contained in the MTO Commercial Sign Policy that has been adopted for use as guidelines when evaluating the merits of Sign Variance applications for signs within 400 metres of the F.G. Gardiner Expressway between Highway 427 and the Humber River.

The proposed ground sign does not comply with By-law No. 280-1998 (“to prohibit third party signs, as an interim measure on lands adjacent to certain former provincial highways”) since it is located within 400 metres of F.G. Gardiner Expressway. It also does not comply with the Ministry of Transportation Commercial Sign Policy which is a guideline for the “Interim Third Party Advertising Sign Minor Variance Process” that was adopted by Council in 1998, in the following ways:

** Billboard signs are defined in the MTO Commercial Sign Policy as an advertising sign erected at a place where the goods and services advertised are not available on the property.

Therefore, it is recommended that Council deny the requested variance as it is not minor in nature.

PROPOSED NEW SIGN BY-LAW

On December 7, 2009 City Council approved a new harmonized Sign By-law that will come into force and effect on April 6, 2010. The following is an evaluation of this particular sign variance application against the new draft Sign By-Law requirements that would govern this particular sign. This evaluation has been done to assist Council in understanding how this proposed sign would compare to the new regulatory requirements contained in the proposed Sign By-law.

One of the main features of the proposed Sign By-law is that the regulations governing signs are based upon the “Sign District” in which the sign is located. These Sign Districts align with the underlying land uses as envisioned in the Official Plan and will classify every property into a “sign district” and utilizes a series of maps to identify the various sign districts throughout the City. This approach is similar to the one being utilized by the new proposed City-wide Zoning By-law mapping.

In the case of this sign variance application and the property on which the proposed sign is located it would be classified as an “E- Employment Sign District”.

Sign By-law Section & Requirements	Applicant’s Proposal	Required Variance
694-24 Site-specific area restrictions. 694-24.A. (1). A third party sign shall not be erected or displayed or cause to be erected or displayed in whole or in part within; 400 metres of any limit of any portion of any limit of the F.G. Gardiner Expressway from Highway 427 to the Humber River, transferred from the Province of Ontario in Council 534/97.	Proposal is to permit a 3rd-party illuminated ground sign.	To permit a third party sign within approximately 4.2 metres of the F.G. Gardiner Expressway.

CONTACT

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The Etobicoke York District

ATTACHMENTS:

Attachment 1 – Zoning Map

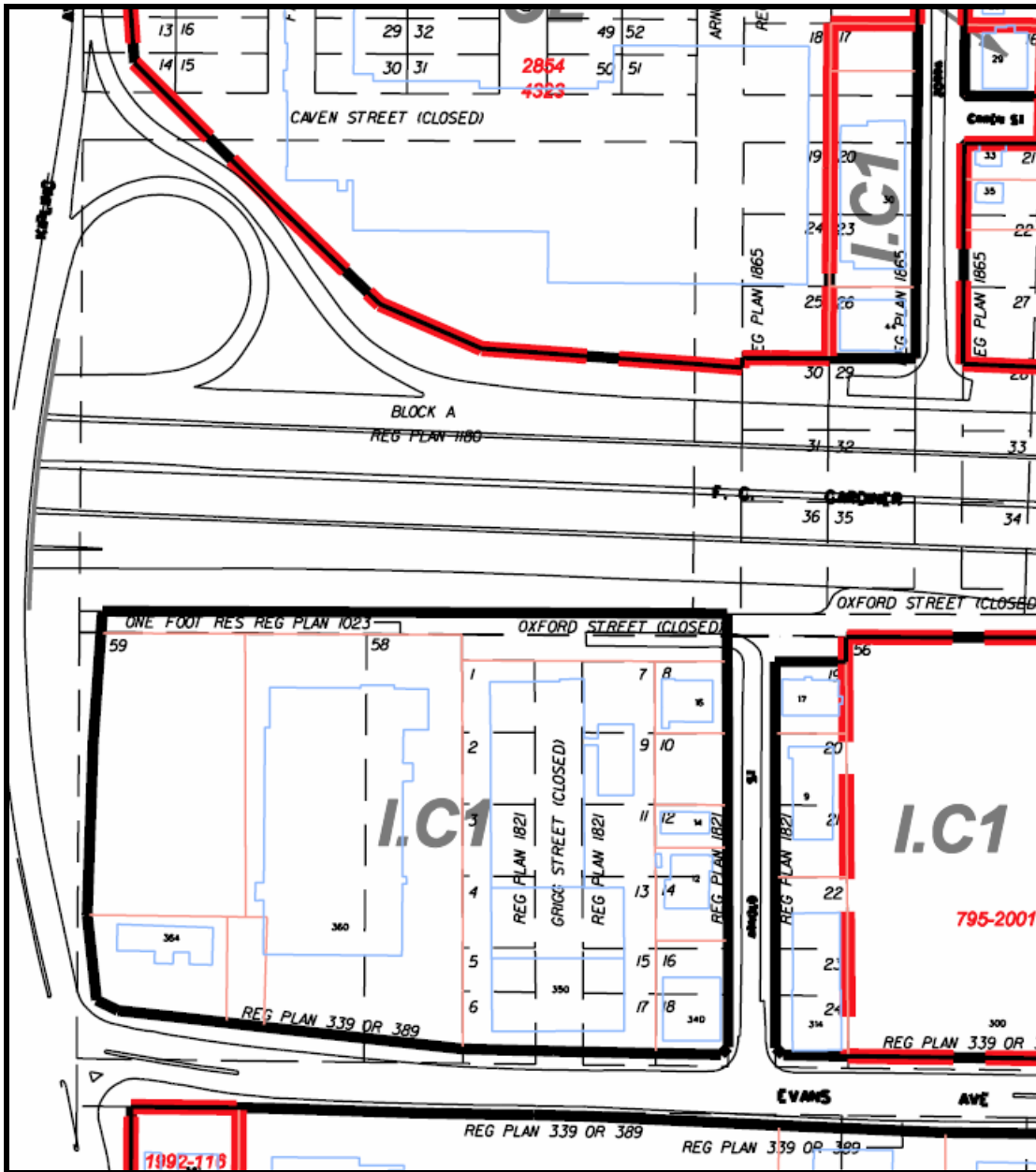
Attachment 3 – Site Plan

Attachment 2 – Aerial Map

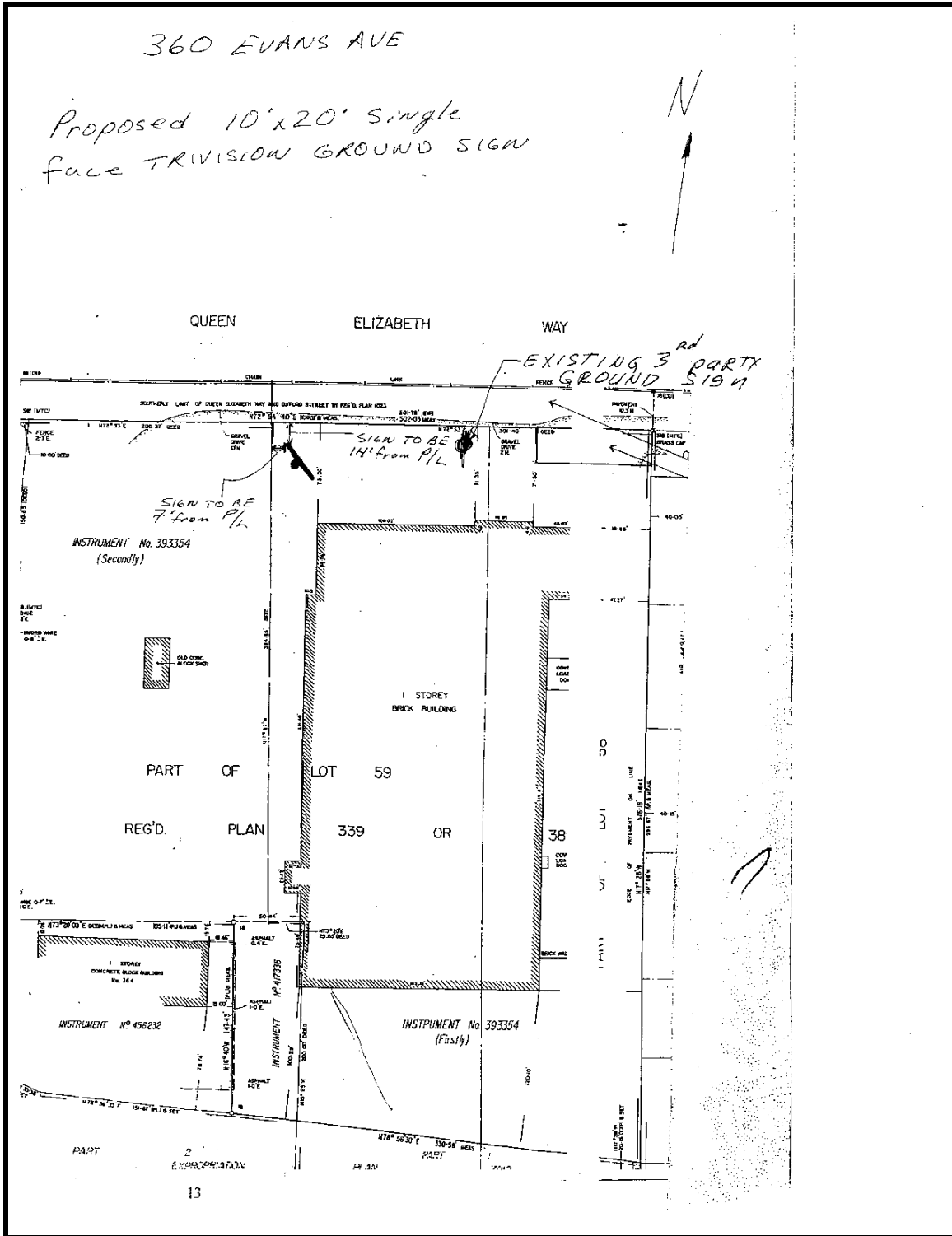
Attachment 4 – Property at 360 Evans Ave.

Attachment 5 - Proposed Sign

Attachment 1 – Zoning Map



ATTACHMENT -2 SITE PLAN



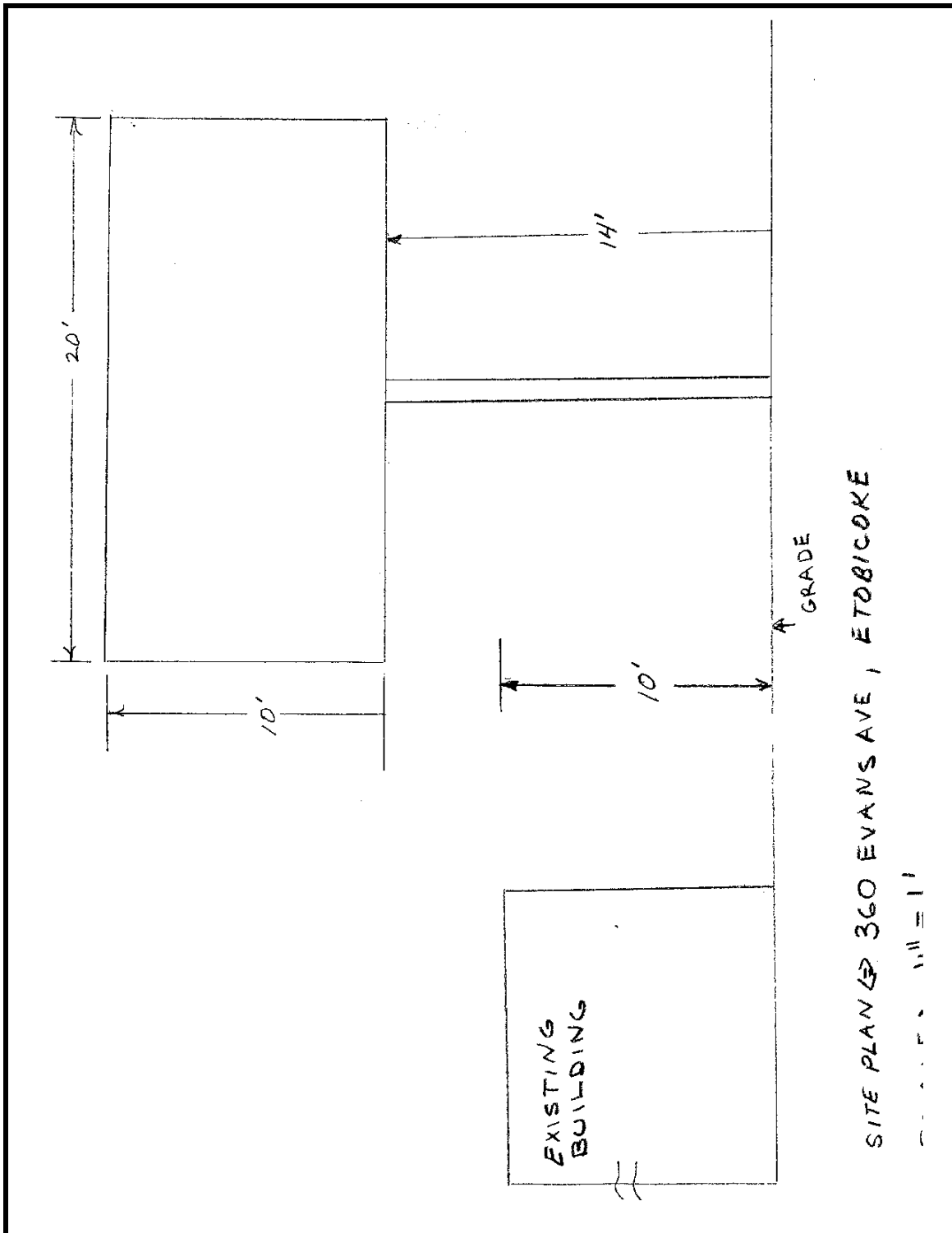
ATTACHMENT 3 – AERIAL MAP



Attachment 4 – Property at 360 Evans Ave.

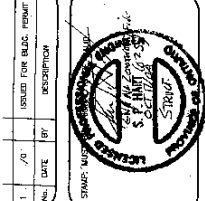


Attachment 5 – Proposed Sign



GENERAL NOTES:
 1. ALL DIMENSIONS ARE THE UNLESS OTHERWISE NOTED.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.
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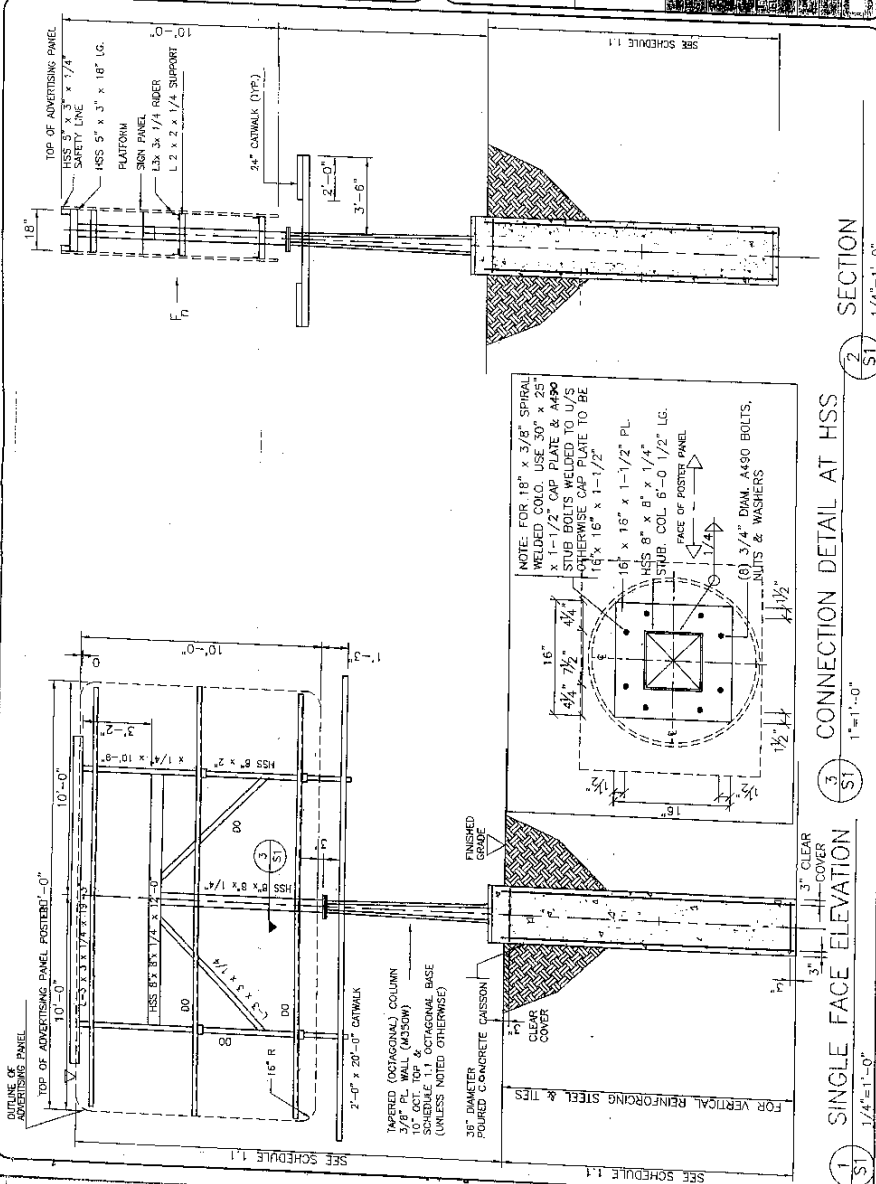
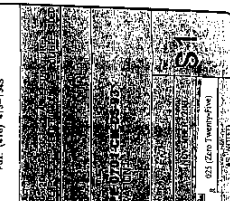
NO.	DATE	BY	DESCRIPTION
1			ISSUED FOR BIDDING PERMIT



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